IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 26747 of 1998

DATED: 19.9.2007

Between:
S.S.N Murthy petitioner

And

The Regional Manager,
APSRTC, Khammam & another Respondents

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THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 26747 of 1998

ORAL ORDER:

This writ petition is filed questioning the action of the respondents in not considering the case of the petitioner with regard to date of fixation of pay in Special Grade and sanction of annual increments as illegal.

As per the averments made in the affidavit filed in support of the writ petition, the petitioner is employed in the respondent corporation as Conductor and on completion of 12 years of service, he was granted special grade w.e.f 1.5.1991. The grievance of the petitioner is that the employer is under an obligation to obtain option from the employee and without obtaining the same, the pay of the petitioner was fixed in the Special Grade w.e.f. 1.5.1991 ignoring his annual increment which was due on 1.6.1991 resulting in loss of one increment for ever. The petitioner claims that he has submitted representations dated 15.1.1997 and 20.9.1997 to the authorities and the Executive Director, Karimnagar Zone vide proceedings dated 6.2.1996 rejected the claim of the petitioner on the ground that he did not submit the option for fixation of the pay within the specified period. Hence, the present writ petition.

The writ petition was admitted by order dated 22.9.1998 and three weeks time was granted to the respondents to file counter affidavit. Thereafter the matter under went several adjournments and

today the matter is listed under the caption “for orders”. Even after lapse of about nine years, till date the counter affidavit is not filed in the matter. In the absence of the counter affidavit, this Court has no option except to accept the averments made in the writ petition to be true and correct and to declare that the petitioner is entitled to the relief sought for in the writ petition.

Therefore, the writ averments are accepted and the writ petition is allowed. No costs.

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N.V.RAMANA,J

DATE: 19/9/2007
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